

105TH CONGRESS
2D SESSION

H. R. 3627

To assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. RUSH (for himself and Ms. FURSE) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfield Community
5 Empowerment Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that:

1 (1) Brownfields are abandoned, idled, or under-
2 used industrial and commercial facilities where ex-
3 pansion or redevelopment is complicated by real or
4 perceived environmental contamination.

5 (2) Brownfields impede the economic develop-
6 ment of surrounding areas.

7 (3) Brownfields affect the environmental integ-
8 rity of associated wetlands and waterways which
9 have been contaminated by prior industrial use.

10 (4) Cleanup of brownfields can improve the en-
11 vironment by addressing low-level, low-risk contami-
12 nation that might not otherwise be remediated.

13 (5) Development of brownfields has the poten-
14 tial to trigger local economics by creating jobs, es-
15 tablishing recreational areas, and increasing local
16 tax revenues.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) CERCLA TERMS.—The terms “Adminis-
20 trator”, “environment”, “facility”, “ground water”,
21 “hazardous substance”, “Indian tribe”, “natural re-
22 sources”, “owner or operator”, “person”, “pollutant
23 or contaminant”, “release”, “response action”, and
24 “State” have the meanings given such terms in sec-
25 tion 101 of the Comprehensive Environmental Re-

1 sponse, Compensation, and Liability Act of 1980 (42
2 U.S.C. 9601).

3 (2) BROWNFIELD SITE.—The term “brownfield
4 site” means a parcel of land that contains or con-
5 tained abandoned or under-used commercial or in-
6 dustrial facilities, the expansion or redevelopment of
7 which may be complicated by the presence or poten-
8 tial presence of hazardous substances, pollutants, or
9 contaminants.

10 (3) DISPOSAL.—The term “disposal” has the
11 meaning given the term in section 1004 of the Solid
12 Waste Disposal Act (42 U.S.C. 6903).

13 (4) ENVIRONMENTAL CONTAMINATION.—The
14 term “environmental contamination” means the ex-
15 istence at a brownfield site of one or more hazardous
16 substances, pollutants, or contaminants that may
17 pose a threat to human health or the environment.

18 (5) GRANT.—The term “grant” includes a co-
19 operative agreement.

20 (6) LOCAL CITIZEN’S ORGANIZATION.—The
21 term “local citizen’s organization” means an incor-
22 porated nonprofit organization exempt from taxes
23 under section 501(c)(3) of the Internal Revenue
24 Code of 1986, including watershed restoration, envi-
25 ronmental restoration, and watershed councils, local

1 youth and service conservation corps, and neighbor-
2 hood associations which can increase citizen partici-
3 pation in the design of the cleanup programs, rede-
4 sign of the rehabilitated sites and/or assist in the de-
5 sign and implementation of the restoration of the
6 environment including wetlands and waterways.

7 (7) LOCAL GOVERNMENT.—The term “local
8 government” means the governing body of a political
9 subdivision of a State, except that such term in-
10 cludes an Indian tribe.

11 (8) SITE ASSESSMENT.—

12 (A) IN GENERAL.—The term “brownfield
13 site assessment” means activities authorized
14 under section 104(b) of the Comprehensive En-
15 vironmental Response, Compensation and Li-
16 ability Act of 1980 (42 U.S.C. 9604(b)) includ-
17 ing marketing analysis or such other activities
18 as may be necessary or appropriate to plan and
19 direct a response action. A brownfield site as-
20 sessment shall include—

21 (i) an onsite evaluation; and

22 (ii) sufficient testing, sampling, and
23 other field-data-gathering activities to ac-
24 curately determine whether the brownfield
25 site is contaminated and the threats to

1 human health and the environment posed
2 by the release of hazardous substances,
3 pollutants, or contaminants at the
4 brownfield site; and

5 (B) may include—

- 6 (i) review of such information regard-
7 ing the brownfield site and previous uses
8 as is available at the time of the review;
9 and
10 (ii) an offsite evaluation, if appro-
11 priate.

12 **TITLE I—BROWNFIELD REMEDI-**
13 **ATION AND ENVIRONMENTAL**
14 **CLEANUP**

15 **SEC. 101. INVENTORY, ASSESSMENT, AND TRAINING GRANT**
16 **PROGRAM.**

17 (a) IN GENERAL.—The Administrator shall establish
18 a program to award grants to local governments and local
19 citizen’s organizations to inventory brownfield sites, to
20 conduct brownfield site assessments, and to provide train-
21 ing and support to residents of the affected community
22 and local citizens in the assessment and cleanup and relat-
23 ed activities with respect to brownfield sites and associated
24 waterways and wetlands. Public participation in the pro-
25 gram shall be provided for, encouraged, and assisted by

1 the Administrator. The Administrator shall develop and
2 publish minimum guidelines for demonstrating meaningful
3 community involvement in establishing the inventory, as-
4 sessment, and training program.

5 (b) SCOPE OF PROGRAM.—

6 (1) GRANT AWARDS.—To carry out subsection
7 (a), the Administrator may, on approval of an appli-
8 cation, provide grants to a local government or a
9 local citizen’s organization.

10 (2) GRANT APPLICATION.—An application for a
11 grant under this section shall include, to the extent
12 practicable, each of the following:

13 (A) An identification of the potential
14 brownfield sites for which assistance is sought
15 and a description of the effect of the brownfield
16 sites on the community, including a description
17 of the nature and extent of any known or sus-
18 pected environmental contamination within the
19 sites.

20 (B) A description of the need of the appli-
21 cant for financial assistance to inventory
22 brownfield sites, to conduct site assessments,
23 and to provide training and support to residents
24 of the affected community and local citizens in
25 brownfield site cleanup.

1 (C) A demonstration of the potential of the
2 grant assistance to stimulate economic develop-
3 ment (including the creation of jobs for local
4 citizens, job training programs or the use of ex-
5 isting job training programs, such as youth con-
6 servation or service corps programs) or creation
7 of recreational areas, including the extent to
8 which the assistance will stimulate the availabil-
9 ity of other funds for site assessment, site iden-
10 tification, or environmental remediation and
11 subsequent redevelopment of the areas in which
12 eligible brownfield sites are situated primarily
13 for nonresidential uses.

14 (D) A description of the local commitment
15 as of the date of the application, which shall in-
16 clude a community involvement plan that dem-
17 onstrates meaningful community involvement,
18 including the training to residents of the af-
19 fected community and local citizens in
20 brownfield site cleanup.

21 (E) An identification of the brownfield
22 sites that have associated rivers and streams,
23 and, for those sites, a description of the poten-
24 tial for involving local citizens in restoring those
25 rivers and streams, including the training and

1 participation of local citizens to perform the
2 restoration work.

3 (F) An identification of low-income areas,
4 empowerment zones, and enterprise commu-
5 nities in areas where brownfield sites are situ-
6 ated.

7 (G) A plan that shows how the site assess-
8 ment, site identification, or environmental re-
9 mediation and subsequent development will be
10 implemented, including—

11 (i) an environmental plan that ensures
12 the use of sound environmental procedures,
13 including nonstructural approaches to re-
14 mediation;

15 (ii) an explanation of the appropriate
16 government authority and support for the
17 project as in existence on the date of the
18 application;

19 (iii) proposed funding mechanisms for
20 any additional work; and

21 (iv) a proposed land ownership plan.

22 (H) A statement on the long-term benefits
23 and the sustainability of the proposed project
24 that includes—

1 (i) the ability of the project to be rep-
2 licated nationally and measures of success
3 of the project; and

4 (ii) to the extent known, the potential
5 of the plan for each area in which an eligi-
6 ble brownfield site is situated to stimulate
7 economic development of the area or cre-
8 ation of recreational areas which contrib-
9 ute to the ecological integrity of the site on
10 completion of the environmental remedi-
11 ation.

12 (I) Such other factors as the Administrator
13 considers relevant to carry out this title.

14 (3) APPROVAL OF APPLICATION.—

15 (A) IN GENERAL.—In making a decision
16 whether to approve an application under this
17 subsection, the Administrator shall—

18 (i) consider the need of the local gov-
19 ernment for financial assistance to carry
20 out this section;

21 (ii) consider the ability of the appli-
22 cant to carry out an inventory, site assess-
23 ment, and training under this section;

24 (iii) consider the extent to which the
25 applicant will involve residents of the af-

1 affected community and local citizen’s orga-
2 nizations in carrying out this section;

3 (iv) consider the proximity of, and
4 give priority to, predominantly low-income
5 and under-developed industrial areas;

6 (v) give a priority to approving appli-
7 cations that propose the creation of jobs or
8 job training programs or use existing job
9 training programs; and

10 (vi) give a priority to those applica-
11 tions involving projects and activities for
12 brownfield sites located within any em-
13 powerment zone or enterprise community
14 (as such terms are defined in section
15 1393(b) of the Internal Revenue Code of
16 1986).

17 Not less than 25 percent of the grants under
18 this section shall be allocated to the priority
19 specified in clause (vi).

20 (B) GRANT CONDITIONS.—As a condition
21 of awarding a grant under this section, the Ad-
22 ministrator—

23 (i) shall require the recipient of the
24 grant to notify the State in which the re-

1 ipient is located of the receipt of the
2 grant;

3 (ii) shall require the recipient of the
4 grant to submit a report under subsection
5 (d) on local citizen involvement; and

6 (iii) may, on the basis of the criteria
7 considered under subparagraph (A), attach
8 such other conditions to the grant as the
9 Administrator determines appropriate.

10 (4) GRANT AMOUNT.—The amount of a grant
11 awarded to any local government under subsection
12 (a) for inventory, site assessment, and training for
13 cleanup of one or more brownfield sites shall not ex-
14 ceed \$200,000, unless the Administrator determines
15 that an application warrants a larger amount in
16 order to achieve particularly significant environ-
17 mental and economic benefits and the applicant has
18 submitted information to the Administrator regard-
19 ing the reasons for a grant in excess of such
20 amount. Not less than 30 percent of the grants
21 made under this section in any fiscal year shall be
22 made to local citizen’s organizations.

23 (5) TERMINATION OF GRANTS.—If the Admin-
24 istrator determines that a local government or local
25 citizen’s organization that receives a grant under

1 this subsection is in violation of a condition of a
2 grant referred to in paragraph (3)(B), the Adminis-
3 trator may terminate the grant made to the local
4 government or local citizen's organization and re-
5 quire full or partial repayment of the grant.

6 (6) AUTHORITY TO AWARD GRANTS TO
7 STATES.—The Administrator may award a grant to
8 a State under the program established under this
9 section if the Administrator determines that a grant
10 to the State is necessary in order to facilitate the re-
11 ceipt of funds by one or more local governments or
12 local citizen's organizations that otherwise do not
13 have the capabilities, such as personnel and other re-
14 sources, to manage grants under the program.

15 (c) STATE INVENTORIES.—Within 2 years after the
16 enactment of this Act, each State shall submit to the Ad-
17 ministrator such information as the Administrator shall,
18 by rule, require regarding brownfield sites within that
19 State. Based on such information, within 3 years after the
20 enactment of this Act, the Administrator shall compile a
21 National Brownfields Registry. If a State fails to comply
22 with the rules promulgated under this subsection, no grant
23 may be made under section 713 for a brownfield site in
24 that State.

1 (d) REPORT ON LOCAL CITIZEN INVOLVEMENT.—

2 Each recipient of a grant awarded under the program es-
3 tablished under this section shall submit to the Adminis-
4 trator, not later than one year after receipt of the grant,
5 a report on the extent to which local citizen's organiza-
6 tions have been contracted with to assist in carrying out
7 the projects funded by the grant, including a statement
8 of the percentage of the grant funds used to involve local
9 citizens in carrying out such projects.

10 **SEC. 112. GRANTS FOR REVOLVING LOAN PROGRAMS.**

11 (a) IN GENERAL.—

12 (1) ESTABLISHMENT.—The Administrator shall
13 establish a program to award grants to be used by
14 local governments to capitalize revolving loan funds
15 for the cleanup of brownfield sites, associated prop-
16 erties, and rivers, and streams affected by contami-
17 nation from such sites.

18 (2) LOANS.—The loans may be provided by the
19 local government to finance cleanups by the local
20 government, or by an owner or a prospective pur-
21 chaser (including a local government) of a
22 brownfield site, including associated properties, riv-
23 ers, and streams affected by contamination from
24 such site, at which a cleanup is being conducted or
25 is proposed to be conducted.

1 (b) SCOPE OF PROGRAM.—

2 (1) IN GENERAL.—

3 (A) GRANTS.—In carrying out subsection
4 (a), the Administrator may award a grant to a
5 local government that submits an application to
6 the Administrator that is approved by the Ad-
7 ministrator.

8 (B) USE OF GRANT.—The grant shall be
9 used by the local government to capitalize a re-
10 volving loan fund to be used for cleanup of one
11 or more brownfield sites, including associated
12 properties, rivers, and streams affected by con-
13 tamination from such sites.

14 (C) GRANT APPLICATION.—An application
15 for a grant under this section shall be in such
16 form as the Administrator determines appro-
17 priate. At a minimum, the application shall in-
18 clude each of the following:

19 (i) Evidence that the grant applicant
20 has the financial controls and resources to
21 administer a revolving loan fund in accord-
22 ance with this title.

23 (ii) Provisions that ensure each of the
24 following:

1 (I) The grant applicant has the
2 ability to monitor the use of funds
3 provided to loan recipients under this
4 title.

5 (II) Any cleanup conducted by
6 the recipient of grant funds will be
7 protective of human health and the
8 environment.

9 (III) There will be notice to the
10 affected community in local media and
11 full and meaningful public participa-
12 tion in the selection of criteria for any
13 cleanup by the affected community
14 (including a public meeting and op-
15 portunity for written comments).

16 (IV) Any cleanup funded under
17 this Act will comply with a State vol-
18 untary cleanup law that is the subject
19 of a memorandum of understanding
20 with the Environmental Protection
21 Agency and with all other laws that
22 apply to the cleanup.

23 (iii) Identification of the criteria to be
24 used by the local government in providing
25 for loans under the program. The criteria

1 shall include the financial standing of the
2 applicants for the loans, the use to which
3 the loans will be put, the provisions to be
4 used to ensure repayment of the loan
5 funds, and the following:

6 (I) A complete description of the
7 financial standing of the applicant
8 that includes a description of the as-
9 sets, cash flow, and liabilities of the
10 applicant.

11 (II) A written statement that at-
12 tests that the cleanup of the site
13 would not occur without access to the
14 revolving loan fund.

15 (III) The proposed method, and
16 anticipated period of time required, to
17 clean up the environmental contami-
18 nation at the brownfield site.

19 (IV) An estimate of the proposed
20 total cost of the cleanup to be con-
21 ducted at the brownfield site.

22 (V) An analysis that dem-
23 onstrates the potential of the
24 brownfield site for stimulating eco-
25 nomic development (including the cre-

1 ation of jobs for local citizens, or job
2 training programs, or the use of exist-
3 ing job training programs, such as
4 youth conservation or service corps
5 programs) or creation of recreational
6 areas, including the extent to which
7 the assistance will stimulate the avail-
8 ability of other funds for site assess-
9 ment, site identification, or environ-
10 mental remediation and subsequent
11 redevelopment of the areas in which
12 eligible brownfield sites are situated
13 primarily for nonresidential uses.

14 (VI) An analysis that dem-
15 onstrates the potential for involving
16 local citizens in the cleanup of the
17 brownfield site.

18 (iv) Identification of the brownfield
19 sites that have associated rivers and
20 streams, and, for those sites, a description
21 of the potential for involving local citizen's
22 organizations in restoring those rivers and
23 streams, including the training and partici-
24 pation of local citizens to perform the res-
25 toration work.

1 (v) Identification of low-income areas,
2 empowerment zones, and enterprise com-
3 munities that overlay with the brownfield
4 sites.

5 (2) GRANT APPROVAL.—In determining wheth-
6 er to award a grant under this section, the Adminis-
7 trator shall consider—

8 (A) the need of the local government or
9 local citizen’s organization for financial assist-
10 ance to clean up brownfield sites that are the
11 subject of the application, taking into consider-
12 ation the financial resources available to the
13 local government;

14 (B) the ability of the local government or
15 local citizen’s organization to ensure that the
16 applicants repay the loans in a timely manner;

17 (C) the extent to which the cleanup of the
18 brownfield site or sites would reduce health and
19 environmental risks caused by the release of
20 hazardous substances, pollutants, or contami-
21 nants at, or from, the brownfield site or sites;

22 (D) the demonstrable potential of the
23 brownfield site or sites for stimulating economic
24 development or creation of recreational areas on
25 completion of the cleanup;

1 (E) the demonstrated ability of the local
2 government or local citizen's organization to ad-
3 minister such a loan program;

4 (F) the demonstrated experience of the
5 local government or local citizen's organization
6 regarding brownfield sites and the reuse of con-
7 taminated land, including whether the govern-
8 ment has received any grant under the Com-
9 prehensive Environmental Response, Compensa-
10 tion, and Liability Act of 1980 (42 U.S.C. 9601
11 et seq.) to assess brownfield sites, except that
12 applicants who have not previously received
13 such a grant may be considered for awards
14 under this section;

15 (G) the experience of administering any
16 loan programs by the entity, including the loan
17 repayment rates;

18 (H) the demonstrations made regarding
19 the ability of the local government or local citi-
20 zen's organizations to ensure a fair distribution
21 of grant funds among brownfield sites;

22 (I) the extent to which the applicant will
23 involve local citizens in the cleanup of
24 brownfield sites;

1 (J) consider the proximity of, and give pri-
2 ority to, predominantly low-income and under-
3 developed industrial areas;

4 (K) give a priority to approving applica-
5 tions that propose the creation of jobs or job
6 training programs or use existing job training
7 programs;

8 (L) give a priority to those applications in-
9 volving projects and activities for brownfield
10 sites located within any empowerment zone or
11 enterprise community (as such terms are de-
12 fined in section 1393(b) of the Internal Reve-
13 nue Code of 1986); and

14 (M) such other factors as the Adminis-
15 trator considers relevant to carry out this sec-
16 tion.

17 (3) GRANT AMOUNT.—The amount of a grant
18 made to an applicant under this section shall not ex-
19 ceed \$500,000, unless the Administrator determines
20 that an application warrants a larger amount in
21 order to achieve particularly significant environ-
22 mental and economic benefits and the applicant has
23 submitted information to the Administrator regard-
24 ing the reasons for a grant in excess of such
25 amount.

1 (4) REVOLVING LOAN FUND APPROVAL.—Each
2 application for a grant to capitalize a revolving loan
3 fund under this section shall, as a condition of ap-
4 proval by the Administrator, include a written state-
5 ment by the local government that cleanups to be
6 funded under the loan program of the local govern-
7 ment shall be conducted under the auspices of, and
8 in compliance with, the State voluntary cleanup pro-
9 gram or State Superfund program or Federal au-
10 thority.

11 (c) GRANT AGREEMENTS.—Each grant under this
12 section for a revolving loan fund shall be made pursuant
13 to a grant agreement. At a minimum, the grant agreement
14 shall include provisions that ensure the following:

15 (1) COMPLIANCE WITH LAW.—The local govern-
16 ment will include in all loan agreements a require-
17 ment that the loan recipient shall comply with all
18 laws applicable to the cleanup and shall ensure that
19 the cleanup is adequate over the long term to protect
20 human health and the environment, including chil-
21 dren, the elderly, asthmatics, individuals with auto
22 immune disorders, and other highly exposed, highly
23 susceptible or differentially susceptible subpopula-
24 tions.

1 (2) REPAYMENT.—The local government will
2 require repayment of the loan consistent with this
3 title.

4 (3) USE OF FUNDS.—The local government will
5 use the funds solely for purposes of establishing and
6 capitalizing a loan program in accordance with this
7 title and of cleaning up the environmental contami-
8 nation at the brownfield site or sites.

9 (4) REPAYMENT OF FUNDS.—The local govern-
10 ment will require in each loan agreement, and take
11 necessary steps to ensure, that the loan recipient will
12 use the loan funds solely for the purposes stated in
13 paragraph (3), and will require the return of any ex-
14 cess funds immediately on a determination by the
15 appropriate local official that the cleanup has been
16 completed.

17 (5) NONTRANSFERABILITY.—The funds will not
18 be transferable, unless the Administrator agrees to
19 the transfer in writing.

20 (6) LIENS.—

21 (A) DEFINITIONS.—In this paragraph, the
22 terms “security interest” and “purchaser” have
23 the meanings given the terms in section
24 6323(h) of the Internal Revenue Code of 1986.

1 (B) LIENS.—A lien in favor of the grant
2 recipient shall arise on the contaminated prop-
3 erty subject to a loan under this section, as well
4 as by any personal property, accounts, or other
5 assets if identified in the agreement establish-
6 ing the loan.

7 (C) COVERAGE.—The lien shall cover all
8 real property included in the legal description of
9 the property at the time the loan agreement
10 provided for in this section is signed, and all
11 rights to the property, and shall continue until
12 the terms and conditions of the loan agreement
13 have been fully satisfied.

14 (D) TIMING.—The lien shall—

15 (i) arise at the time a security interest
16 is appropriately recorded in the real prop-
17 erty records of the appropriate office of the
18 State, county, or other governmental sub-
19 division, as designated by State, tribal, or
20 local law, in which the real property ac-
21 counts or other assets subject to the lien
22 are located; and

23 (ii) be subject to the rights of any
24 purchaser, holder of a security interest, or
25 judgment lien creditor whose interest is or

1 has been perfected under applicable State
2 or tribal law before the notice has been
3 filed in the appropriate office of the State,
4 county, or other governmental subdivision,
5 as designated by State or tribal law, in
6 which the real property accounts or other
7 assets subject to the lien are located.

8 (7) NOTICE TO STATE.—The local government
9 will notify the State in which the local government
10 is located of the receipt of the grant and of the iden-
11 tity of recipients of loans made under the revolving
12 loan fund.

13 (8) REPORT ON LOCAL CITIZEN INVOLVE-
14 MENT.—The local government will submit a report
15 under subsection (f) on local citizen involvement.

16 (d) AUDITS.—

17 (1) IN GENERAL.—The Inspector General of
18 the Environmental Protection Agency shall audit a
19 portion of the grants awarded under this section to
20 ensure that all funds are used for the purposes set
21 forth in this section.

22 (2) FUTURE GRANTS.—The result of the audit
23 shall be taken into account in awarding any future
24 grants to the local government.

1 (e) AUTHORITY TO AWARD GRANTS TO STATES.—

2 The Administrator may award a grant to a State under
3 the program established under this section at the request
4 of a local government in the State if the Administrator
5 determines that a grant to the State is necessary in order
6 to facilitate the receipt of funds by one or more local gov-
7 ernments that otherwise do not have the capabilities, such
8 as personnel and other resources, to manage grants under
9 the program.

10 (f) REPORT ON LOCAL CITIZEN INVOLVEMENT.—

11 Each recipient of a grant awarded under the program es-
12 tablished under this section shall submit to the Adminis-
13 trator, not later than one year after receipt of the grant,
14 a report on the extent to which local citizen's organiza-
15 tions have been contracted with to assist in projects fund-
16 ed by loans made under the revolving loan fund, including
17 a statement of the percentage of the grant funds used to
18 involve local citizens in carrying out such projects.

19 **SEC. 113. ECONOMIC REDEVELOPMENT GRANTS.**

20 (a) EXPENDITURES FROM THE SUPERFUND.—

21 Amounts in the Hazardous Substance Superfund estab-
22 lished by section 9507 of the Internal Revenue Code of
23 1986 shall be made available consistent with, and for the
24 purposes of carrying out, the grant programs established
25 under sections 101 and 112.

1 (b) AUTHORITY TO AWARD GRANTS.—There is au-
2 thorized to be appropriated from the Hazardous Sub-
3 stance Superfund for grants to local governments under
4 sections 101 and 112, \$150,000,000 for each of fiscal
5 years 1999 through 2003.

6 **SEC. 114. REPORTS.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of enactment of this Act, and not later than January
9 31 of each of the 3 calendar years thereafter, the Adminis-
10 trator shall prepare and submit a report describing the
11 results of each program established under this title to—

12 (1) the Committees on Commerce and on
13 Transportation and Infrastructure of the House of
14 Representatives; and

15 (2) the Committee on Environment and Public
16 Works of the Senate.

17 (b) CONTENTS OF REPORT.—Each report shall, with
18 respect to each of the programs established under this
19 title, include a description of—

20 (1) the number of applications received by the
21 Administrator during the preceding calendar year;

22 (2) the number of applications approved by the
23 Administrator during the preceding calendar year;
24 and

1 (3) the allocation of assistance under sections
2 101 and 112 among the local governments.

3 **SEC. 115. LIMITATIONS ON USE OF FUNDS.**

4 (a) EXCLUDED FACILITIES.—(1) A grant for site in-
5 ventory and assessment under section 101 or to capitalize
6 a revolving loan fund under section 112 may not be used
7 for any activity involving—

8 (A) a facility or portion of a facility that is the
9 subject of a response action (including a facility or
10 portion of a facility with respect to which a record
11 of decision, other than a no-action record of deci-
12 sion, has been issued) under the Comprehensive En-
13 vironmental Response, Compensation, and Liability
14 Act of 1980 (42 U.S.C. 9601 et seq.), unless a pre-
15 liminary assessment, site investigation, or response
16 action has been completed at such facility or portion
17 of a facility and the President has decided not to
18 take further response action at such facility or por-
19 tion of a facility;

20 (B) a facility included, or proposed for inclu-
21 sion, on the National Priorities List maintained by
22 the President under the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act
24 of 1980 (42 U.S.C. 9601 et seq.);

1 (C) an NPL-caliber facility, as defined in para-
2 graph (2);

3 (D) a facility that is subject to corrective action
4 under section 3004(u) or 3008(h) of the Solid Waste
5 Disposal Act (42 U.S.C. 6924(u) or 6928(h)) to
6 which a corrective action permit or order has been
7 issued or modified to require the implementation of
8 corrective measures;

9 (E) any land disposal unit with respect to which
10 a closure notification under subtitle C of the Solid
11 Waste Disposal Act (42 U.S.C. 6921 et seq.) has
12 been submitted and closure requirements have been
13 specified in a closure plan or permit;

14 (F) a facility at which there has been a release
15 of a polychlorinated biphenyl and that is subject to
16 the Toxic Substances Control Act (15 U.S.C. 2601
17 et seq.);

18 (G) a facility with respect to which an adminis-
19 trative or judicial order or decree requiring cleanup
20 has been issued or entered into by the President
21 under—

22 (i) the Comprehensive Environmental Re-
23 sponse, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9601 et seq.);

1 (ii) the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.);

3 (iii) the Federal Water Pollution Control
4 Act (33 U.S.C. 1251 et seq.);

5 (iv) the Toxic Substances Control Act (15
6 U.S.C. 2601 et seq.); or

7 (v) the Safe Drinking Water Act (42
8 U.S.C. 300f et seq.);

9 (H) the portion of a facility at which assistance
10 for response activities may be obtained under sub-
11 title I of the Solid Waste Disposal Act (42 U.S.C.
12 6991 et seq.) from the Leaking Underground Stor-
13 age Tank Trust Fund established by section 9508 of
14 the Internal Revenue Code of 1986; and

15 (I) a facility owned or operated by a depart-
16 ment, agency, or instrumentality of the United
17 States, except for land held in trust by the United
18 States for an Indian tribe.

19 (2) For purposes of paragraph (1), the term “NPL-
20 caliber facility” means a facility for which the President,
21 in consultation with the State concerned, has prepared or
22 is preparing a hazardous ranking system scoring package
23 or that satisfies such other definition as the Administrator
24 may promulgate by regulation. The term does not include
25 a facility for which the President—

1 (A) has obtained a score under the hazardous
2 ranking system; and

3 (B) based on that score, has made a determina-
4 tion not to list on the National Priorities List.

5 (3) Notwithstanding paragraph (1), the President
6 may, on a facility-by-facility basis, allow a grant under
7 section 101 or section 112 to be used for an activity in-
8 volving any facility listed in subparagraph (D), (E), (F),
9 (G)(ii), (G)(iii), (G)(iv), (G)(v), (H), or (I) of paragraph
10 (1). In the case of a facility listed in subparagraph (I),
11 the President may use the authority in the preceding sen-
12 tence only if the facility is not a facility described in sub-
13 paragraph (A), (B), (C), or (G)(i).

14 (b) COST-SHARING.—A grant made under this title
15 may not be used to pay any fine or penalty owed to a
16 State or the Federal Government, or to meet any Federal
17 cost-sharing requirement.

18 (c) OTHER LIMITATIONS.—

19 (1) IN GENERAL.—Funds made available to a
20 local government under the grant programs estab-
21 lished under section 101 shall be used only to inven-
22 tory and assess brownfield sites as authorized by
23 this title. Funds made available to a local govern-
24 ment under the grant programs established under

1 section 112 shall be used only for capitalizing a re-
2 volving loan fund as authorized by this title.

3 (2) RESPONSIBILITY FOR CLEANUP ACTION.—

4 Funds made available under this title may not be
5 used to relieve a local government of the commit-
6 ment or responsibilities of the local government
7 under State law to assist or carry out cleanup ac-
8 tions at brownfield sites.

9 **SEC. 116. SITING OF TSD FACILITIES.**

10 Section 104(c)(9) is amended to read as follows:

11 “(a) SITING.—The President shall not provide any
12 remedial actions pursuant to this section or section 127
13 unless the State in which the release occurs prohibits the
14 issuance of new permits for facilities for the treatment,
15 storage, and disposal of hazardous waste at facilities lo-
16 cated within 5,000 feet of any school, body of water cur-
17 rently used, or potentially available, or a source of drink-
18 ing water, residential dwelling, or hospital.”.

19 **SEC. 117. EFFECT ON OTHER LAWS.**

20 Nothing in this title changes, modifies, or otherwise
21 affects the liability of any person or the obligations im-
22 posed or authorities provided under any other law or regu-
23 lation, including—

1 (1) the Comprehensive Environmental Re-
2 sponse, Compensation, and Liability Act of 1980 (42
3 U.S.C. 9601 et seq.);

4 (2) the Solid Waste Disposal Act (42 U.S.C.
5 6901 et seq.);

6 (3) the Federal Water Pollution Control Act
7 (33 U.S.C. 1251 et seq.);

8 (4) the Toxic Substances Control Act (15
9 U.S.C. 2601 et seq.); and

10 (5) the Safe Drinking Water Act (42 U.S.C.
11 300f et seq.).

12 **SEC. 118. REGULATIONS.**

13 (a) IN GENERAL.—The Administrator may issue
14 such regulations as are necessary to carry out this title.

15 (b) PROCEDURES AND STANDARDS.—The regulations
16 shall include such procedures and standards as the Admin-
17 istrator considers necessary, including procedures and
18 standards for evaluating an application for a grant or loan
19 submitted under this title.

20 **SEC. 119. AUTHORIZATIONS OF APPROPRIATIONS.**

21 (a) SITE ASSESSMENT PROGRAM.—There is author-
22 ized to be appropriated to carry out section 101
23 \$30,000,000 for each of fiscal years 1999 through 2001.

24 (b) ECONOMIC REDEVELOPMENT ASSISTANCE PRO-
25 GRAM.—There is authorized to be appropriated to carry

1 out section 112 \$50,000,000 for each of fiscal years 1999
2 through 2001.

3 (c) FINANCIAL ASSISTANCE FOR DEVELOPMENT AND
4 ENHANCEMENT OF STATE VOLUNTARY RESPONSE PRO-
5 GRAMS.—There is authorized to be appropriated to pro-
6 vide assistance to States to develop or enhance State vol-
7 untary response programs \$30,000,000 for each of fiscal
8 years 1999 through 2001. If a State fails to comply with
9 the rules promulgated under this subsection (c) of section
10 101, no grant may be made under this subsection for a
11 State voluntary response program in that State.

12 (d) AVAILABILITY OF FUNDS.—The amounts appro-
13 priated under this section shall remain available until ex-
14 pended.

15 **SEC. 120. RESEARCH, DEVELOPMENT, AND DEMONSTRA-**
16 **TION.**

17 Section 311(c) of the Comprehensive Environmental
18 Response, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9660) is amended to read as follows:

20 “(c) HAZARDOUS SUBSTANCE RESEARCH AND RE-
21 SPONSE ACTIVITIES.—(1) The Administrator is author-
22 ized to conduct and support, through grants, cooperative
23 agreements, contracts and research, demonstrations, sur-
24 veys, and technical assistance, with respect to the detec-
25 tion, assessment, remediation, and evaluation of the ef-

1 fects on and risks to human health and the environment
2 from hazardous substances.

3 “(2) The Administrator may award grants and coop-
4 erative agreements under this section to a State, tribe,
5 consortium of tribes or interstate agency, municipality,
6 education institution, or other agency or local citizen’s or-
7 ganization for the development and implementation of
8 training, technology transfer, and information dissemina-
9 tion programs to strengthen environmental response ac-
10 tivities, including enforcement, at the Federal, State, trib-
11 al, and local levels. The Administrator may establish such
12 requirements for such grants and cooperative agreements
13 as he or she determines to be appropriate. The Adminis-
14 trator may award such grants and cooperative agreements
15 using funds appropriated under this Act.”.

16 **SEC. 121. ASSISTANCE FOR WORKFORCE TRAINING.**

17 Section 117 of the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9660) is amended by adding at the end thereof
20 the following:

21 “(f)(1) The Administrator shall carry out a program
22 to provide financial assistance for brownfields workforce
23 training programs in communities that contain brownfield
24 sites.

1 “(2) Assistance provided under this subsection may
2 include—

3 “(A) expansion of environmental training and
4 curriculum development at colleges and youth con-
5 servation and service corps facilities located near
6 brownfields sites;

7 “(B) establishment of environmental education
8 and training centers, such as youth service or con-
9 servation corps or other community-based job train-
10 ing organizations; and

11 “(C) such other activities as the Administrator
12 considers appropriate.

13 “(3) The Administrator may provide grants and such
14 other forms of assistance under this subsection as the Ad-
15 ministrator considers appropriate.”.

16 **SEC. 122. WORKER TRAINING AND EDUCATION GRANTS.**

17 Section 111(c)(12) (42 U.S.C. 9611(c)(12)) is
18 amended—

19 (1) by inserting “and section 117(f) of this
20 Act” after “of 1986”;

21 (2) by striking “\$10,000,000” and inserting
22 “\$15,000,000”; and

23 (3) by striking “and 1994” and inserting “,
24 1994, 1998, 1999, 2000, 2001, 2002, and 2003”.

1 **SEC. 123. USE OF THE SUPERFUND FOR NATURAL RE-**
 2 **SOURCE DAMAGE ASSESSMENTS.**

3 The Internal Revenue Code of 1986 is amended as
 4 follows:

5 (1) Section 9507(c)(1)(A)(i) is amended by in-
 6 serting “(4)” after “paragraphs (1), (2),”.

7 (2) Section 9507(c)(1)(A)(ii) is amended by
 8 striking “other than paragraphs (1) and (2) there-
 9 of.”.

10 (3) Section 9507(c)(1)(A)(i) is amended by
 11 striking “paragraphs (1), (2), (5), and (6) of”.

12 **TITLE II—DEPARTMENT OF**
 13 **HOUSING AND URBAN DEVEL-**
 14 **OPMENT BROWNFIELD**
 15 **GRANTS**

16 **SEC. 201. ECONOMIC DEVELOPMENT GRANTS IN CONNEC-**
 17 **TION WITH COMMUNITY DEVELOPMENT**
 18 **LOAN GUARANTEES.**

19 Section 108(q) of the Housing and Community De-
 20 velopment Act of 1974 (42 U.S.C. 5308(q)) is amended
 21 by adding at the end the following new paragraph:

22 “(5) BROWNFIELDS REDEVELOPMENT.—

23 “(A) IN GENERAL.—The Secretary shall,
 24 to the extent amounts are made available pur-
 25 suant to subparagraph (F) and applications are
 26 approved under this paragraph, make grants

1 under this paragraph to eligible public entities
2 for projects for the cleanup and economic rede-
3 velopment of brownfield sites. The provisions of
4 paragraphs (1) through (4) of this subsection
5 shall apply to grants under this paragraph and
6 the requirements under this paragraph shall be
7 in addition to the requirements under para-
8 graphs (1) through (4).

9 “(B) ELIGIBLE RECIPIENTS.—Grants
10 under this paragraph may be made only to eli-
11 gible public entities requesting guarantees
12 under subsection (a) for notes or other obliga-
13 tions to finance a project involving eligible ac-
14 tivities under subparagraph (C).

15 “(C) ELIGIBLE ACTIVITIES.—Assistance
16 under this paragraph may be used only for the
17 purposes of and in conjunction with projects
18 and activities for the economic redevelopment of
19 brownfield sites.

20 “(D) SELECTION CRITERIA.—

21 “(i) ADDITIONAL CRITERION.—The
22 criteria for awarding assistance under this
23 paragraph shall include the extent to which
24 the applicant has developed an approach or
25 process for the cleanup and redevelopment

1 of brownfield sites and is coordinating such
2 program with appropriate environmental
3 regulatory agencies.

4 “(ii) PRIORITY.—In awarding such
5 assistance, the Secretary shall give priority
6 to eligible entities meeting the selection cri-
7 teria (established pursuant to paragraph
8 (4) and clause (i)) and proposing a plan
9 involving projects and activities for
10 brownfield sites located within any em-
11 powerment zone or enterprise community
12 (as such terms are defined in section
13 1393(b) of the Internal Revenue Code of
14 1986).

15 “(E) COORDINATION WITH EPA.—The Sec-
16 retary shall consult and coordinate with the Ad-
17 ministrator of the Environmental Protection
18 Agency in providing assistance under this para-
19 graph and establishing selection criteria under
20 subparagraph (D) to ensure that activities as-
21 sisted with amounts provided under this para-
22 graph are consistent and coordinated with ef-
23 forts of such Agency and other agencies and or-
24 ganizations to clean up and redevelop
25 brownfield sites.

1 “(F) DEFINITION.—For purposes of this
2 paragraph, the term ‘brownfield site’ means a
3 parcel of land that contains or contained aban-
4 doned or under-used commercial or industrial
5 facilities, the expansion or redevelopment of
6 which may be complicated by the presence or
7 potential presence of hazardous substances, pol-
8 lutants, or contaminants.

9 “(G) AUTHORIZATION OF APPROPRIA-
10 TIONS.—For grants under this paragraph, there
11 is authorized to be appropriated to the Sec-
12 retary \$25,000,000 for each of fiscal years
13 1999 through 2001.”.

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